

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BOARD OF TRUSTEES OF THE AFTRA
RETIREMENT FUND, in its capacity as a
fiduciary of the AFTRA Retirement Fund,
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

BOARD OF TRUSTEES OF THE IMPERIAL
COUNTY EMPLOYEES' RETIREMENT
SYSTEM, in its capacity as a fiduciary of the
Imperial County Employees' Retirement
System, individually and on behalf of all others
similarly situated,

Plaintiff,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

THE INVESTMENT COMMITTEE OF THE
MANHATTAN AND BRONX SURFACE
TRANSIT OPERATING AUTHORITY
PENSION PLAN, in its capacity as a fiduciary
of the MaBSTOA Pension Plan, individually
and on behalf of all others similarly situated,

Plaintiff,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

Consolidated as
Civil Action No. 09-00686 (SAS) (DF)

ECF Case

**DECLARATION OF PETER H. LEVAN, JR. IN SUPPORT OF
PLAINTIFFS' RESPONSE TO THE *AMICUS CURIAE* BRIEF OF THE
SECURITIES INDUSTRY AND FINANCIAL MARKETS ASSOCIATION**

PETER H. LEVAN, JR. declares under the penalty of perjury pursuant to 28 U.S.C. § 1476:

1. I am a partner with the law firm Barroway Topaz Kessler Meltzer & Check, LLP, lead class counsel for plaintiffs in this action. I respectfully submit this declaration in support of plaintiffs' response to the *amicus curiae* brief of the Securities Industry and Financial Markets Association ("Amicus").

2. The purpose of this declaration is to submit and identify for the Court a true and correct copy of the deposition testimony referenced in plaintiffs' response to the Amicus that plaintiffs do not anticipate will be submitted in connection with their merits brief, to be filed on March 31, 2011.

3. Attached as Exhibit A is a true and correct copy of the excerpts of the deposition transcript of Charles Grice dated December 7, 2010.

Dated: March 18, 2011

/s/ **Peter H. LeVan, Jr.**
Peter H. LeVan, Jr.
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